



Application **GRANTED**. Pursuant to Federal Rule of Civil Procedure 4(m), if the Complaint is not served by April 11, 2023, the case will be dismissed.

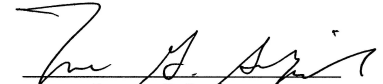
February 28, 2023

By ECF

The Honorable Lorna G. Schofield
United States Courthouse
500 Pearl Street
New York, NY 10007

The initial pretrial conference scheduled for March 8, 2023, is adjourned to **April 12, 2023, at 4:00 P.M.** At that time, the parties shall call 888-363-4749 and use the access code 558-3333. The deadline for the parties to file the joint letter and proposed civil case management plan and scheduling order is extended to **April 5, 2023, at 12:00 P.M.**

Dated: March 1, 2023
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: BackGrid USA, Inc. v. Maudal S.A.S., No. 1:23-cv-267-LGS
Renewed request to adjourn and extend case management deadlines

Dear Judge Schofield:

We represent plaintiff BackGrid USA, Inc. in the above-captioned action. In accordance with Rule I.B.2 of Your Honor's Individual Rules, plaintiff requests an adjournment of the March 8, 2023 telephonic conference, and an extension of the related March 1, 2023 deadline to submit a joint letter, previously set by the Court. (ECF 8.)

The original date and new date. The Court set a telephonic conference for March 8, 2023, at 4:00 p.m., with a corresponding deadline to submit a joint letter by noon on March 1, 2023. (ECF 8.) At the Court's convenience, plaintiff requests an adjournment of approximately 30 days for the telephonic conference—to *April 12, 2023*—with an extension of the due date for the joint letter to *April 5, 2023*.

Reasons for the request. Plaintiff served defendant with the summons and complaint on February 7, 2023. Assuming effective service, defendant's deadline to respond to the complaint is today (February 28, 2023). Defendant contends that service was defective and that there is no deadline to respond. Regardless, since early February, the parties have been engaged in informal discussions aimed at resolving the matter without the need for litigation. An adjournment of the conference and extension of related deadlines would facilitate those discussions, which plaintiff believes are very likely to result in a settlement.

The number of previous requests for adjournment or extension. Plaintiff made this same request for adjournment and extension by letter dated February 27, 2023. That request was denied because it failed to state any reasons for the request.

Whether the adversary consents. By email early in the morning of February 27, 2023, counsel for plaintiff sought consent for the adjournment and extension from counsel for defendant. Counsel for defendant has since responded and stated: "I generally would not see an issue with an extension as requested in your letter. However, please note that service has not been properly effectuated on Maudal SAS such that there is no deadline yet for its response to the Complaint and, at this point, I have only been authorized to represent Maudal to address that limited issue and to pursue settlement discussions with you concerning this matter."

Whether the request affects other scheduled dates. There are no other dates scheduled after the dates set by the Court's January 25, 2023 Order.



Perkowski
LEGAL

Hon. Lorna G. Schofeild | February 28, 2023
Page 2

In light of the foregoing, plaintiff respectfully requests that the conference be adjourned and related due date be extended as set forth above.

Respectfully,

/s/ Peter Perkowski

Peter E. Perkowski
Counsel for Plaintiff

c: Counsel of Record via email